

REMARKS

Claims 5-8 stand rejected under 35 U.S.C. § 102 as being anticipated by Garrett '873 ("Garrett"). Claims 5 and 7 are independent. This rejection is respectfully traversed for the following reasons. Claim 5 recites in pertinent part, "an information processing apparatus identifier production device that produces an identifier for *the information processing apparatus* based on an identifier of a network card" (emphasis added). Claim 7 recites a similar feature in method format.

The Examiner's maintaining of the pending rejection is not understood. The present invention is directed to enabling the production of an identifier *for the information processing apparatus* rather than simply producing an identifier for the network cards. This point was emphasized in Applicants' previous response filed on October 28, 2004. In contrast, Garrett at best would produce identifiers *for the network cards* but is completely silent as to producing an identifier *for the alleged information processing apparatus* (i.e., host computer of Garrett). That is, Garrett does not disclose that the host computer has an identifier *which identifies itself*, let alone one that is produced using the identifiers of the network cards. The only discussion with respect to this issue from the Examiner is found on page 4, lines 1-3 of the outstanding Office Action, in which the Examiner asserts that Garrett discloses each of the expansion devices configures as "different types of adapter cards and each of these cards includes an identification signal and the host computer identifies each expansion device by the length or duration that the identification signal is negated."

However, even assuming *arguendo* the Examiner's assertion is entirely correct, such an assertion is completely unrelated to the concept of using the identifier of a network card *to produce an identifier for the host computer*. Instead, the Examiner merely alleges that the host

computer identifies the expansion devices, but the Examiner is silent as to why Garrett allegedly discloses production of an identifier for the host computer itself based on the identifier of the expansion device.

As described on page 2, lines 2-4 of Applicants' specification, the conventional information processing apparatus (e.g., host computer in Garrett) does not have a criterion according to which the identifier for the apparatus is produced. Therefore, there is the possibility that the identifier of the apparatus will change by adding or deleting the network cards. This raises the problem that the information processing apparatus becomes unable to be identified by the one identifier *on a relevant network*. In this regard, Garrett appears silent as to any external interaction of the host computer with a network, thereby rendering disclosure of an identifier for the host computer irrelevant to Garrett's purpose and unnecessary.

Garrett, on the other hand, merely discloses a host computer which identifies the types of expansion devices connected thereto based on an identification signal received from the expansion device, and is completely silent as to an identifier for the host computer *itself*. Accordingly, even assuming *arguendo* that the host computer (as opposed to the expansion device) of Garrett has an identifier, the identifier would remain the same regardless of the addition/removal of the network cards and the continuous identification of the network cards by the host computer, so that Garrett's device would be subject to the same drawbacks burdening the conventional information processing apparatus described on pages 1 and 2 of Applicants' specification.

In contrast, one of the objects of the present invention is to provide the capability to minimize the change in the identifier of the information processing apparatus that follows the addition or deletion of the network cards. To better understand the present invention, one

exemplary example of operation is discussed with respect to Figure 3 of Applicants' drawings.

First, when in step S301 the power source of the information processing apparatus is turned "on", it is determined in step S302 whether the network card X 23 that is present in the BIOS 12 as the card difficult to demount is being mounted. If being mounted, a transfer is made to a step S306. There, using the identifier of the network card X 23, there is produced the identifier for the *information processing apparatus*. Unless being mounted, a transfer is made to a step S303.

In a step S303 it is determined whether the network card Y 24 that is preset in the BIOS 12 as the card that is less difficult to demount and that is next to the network card X 23 in the difficulty of demounting, is being mounted. If being mounted, a transfer is made to a step S305. There, using the identifier of the network card Y 24, the identifier for the *information processing apparatus* is produced. Unless being mounted, a transfer is made to a step S304.

In step S304, it is determined that no network card is being mounted, whereby the identifier of the information processing apparatus is not produced, the flow being terminated.

In summary, the present invention describes an apparatus and method by which the identifier of the information processing apparatus can be produced (host computer of Garrett) when network card(s) are present by using the identifier of a network card; whereas Garrett merely discloses using the host computer to identify the alleged "network cards" connected thereto.

If the Examiner maintains the pending rejection over Garrett, Applicants hereby respectfully request that the Examiner please contact the undersigned Attorney to conduct an interview (personal or telephonic, according to Examiner's preference) to help resolve any issues and/or to clarify the present invention for the Examiner.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Garrett does not anticipate claims 5 and 7, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 5 and 7 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on all the foregoing, it is respectfully submitted that claims 5-8 are patentable over Garrett. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

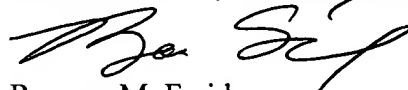
Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

09/813,864

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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